

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P-7105 01	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CH2003/000373	International filing date ( <i>day/month/year</i> ) 12 June 2003 (12.06.2003)	Priority date ( <i>day/month/year</i> ) 13 June 2002 (13.06.2002)
International Patent Classification (IPC) or national classification and IPC B29C 53/36, B31D 1/02		
Applicant TEXTILMA AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 21 November 2003 (21.11.2003)	Date of completion of this report 16 March 2004 (16.03.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/CH2003/000373

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages \_\_\_\_\_ 1-5 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages \_\_\_\_\_ 1-7 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages \_\_\_\_\_ 1/1 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-7	YES
	Claims		NO
Inventive step (IS)	Claims	1-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7	YES
	Claims		NO

### 2. Citations and explanations

1. US3184874 (D1) is considered to represent the closest prior art in relation to the subject matter of claims 1 and 3.

1.1 D1 discloses (the references in parentheses are to this document) a process for folding a length of textile strip, in particular a length of a label strip, wherein the length of strip (21) is first fed to a supporting member (26), heated in the area that is to be folded, then folded and finally fixed in folded state under the application of pressure and heat.

The subject matter of claim 1 therefore differs from the known process in that the posterior face of the folding area is heated.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

1.2 D1 discloses (the references in parentheses are to this document) an arrangement having a heating device (40) situated in front of a folding device to heat the folding area of the length of strip (21).

The subject matter of claim 3 therefore differs from the known arrangement in that the heating device (40) acts on the posterior face of the length of strip.

The subject matter of claim 3 is therefore novel (PCT Article 33(2)).

- 1.3 The heating device described in D1 acts on the anterior face, that is, on the viewing side of the length of strip, which can lead to shiny areas on the viewing side of the length of strip.
- 1.4 Proceeding from the process and the arrangement described in D1, the problem addressed may be considered that of reducing the risk inherent therein that shiny areas may be produced on the viewing side of the length of strip during folding.
- 1.5 The proposed solution is neither known from nor suggested by the available prior art. Consequently, the solution described in claims 1 and 3 involves an inventive step (PCT Article 33(3)).
- 1.6 Dependent claims 2 and 4-7 pertain to developments of independent claims 1 and 3 and therefore likewise meet the requirements of PCT Article 33(1).
2. The embodiment described on page 3, lines 21-22, and claimed in claim 6, according to which the retaining member, not the supporting member, is fitted with a heating device, falls outside the scope of the present independent claims because the heating device acts in this case on the anterior, not the

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posterior, face of the length of strip. This inconsistency between the claims and the description leads to doubt concerning the subject matter for which protection is sought and the claims are consequently unclear (PCT Article 6).